

IMPARTIAL ANALYSIS FOR PROPOSITION C

This proposition would amend Section 503 and add Section 503.1 to the Chula Vista City Charter. It would limit the authority and compensation of the City Attorney, establish term limits for the City Attorney, and authorize the City Council, by ordinance, to establish a new position of Legislative Counsel.

The Charter currently provides for an elected City Attorney. It provides that the City Attorney's compensation may not be less than the median compensation of the City Attorneys of the six California cities whose populations are closest to Chula Vista's population. The Charter sets the Mayor's annual salary at 66% of the salary of a California Superior Court Judge.

This proposition would reduce the City Attorney's compensation to that of a Superior Court Judge. Currently, the City Attorney's salary is approximately \$209,000, while that of a Superior Court Judge is approximately \$179,000. This change would not apply during the current term of the current City Attorney.

The Charter currently imposes term limits on City Council members, but imposes no such limit on the City Attorney. This proposition would impose on the City Attorney the same term limits that apply to Council members.

The Charter currently establishes the qualifications and duties of the City Attorney. Among other provisions, the Charter authorizes the City Attorney to control City legal business and legal proceedings; to advise the City Council, other City officers and all City boards commissions, and to render written legal opinions when requested in writing; to employ experts and special legal counsel with Council approval when the City Attorney has a conflict of interest in litigation involving another City officer.

This proposition would authorize the City Council to provide by ordinance that the City Attorney would not advise on conflict of interest issues involving the City Attorney, nor participate in the selection of special legal counsel to advise on such issues. The proposition would further authorize the Council to provide by ordinance for the establishment of a new position of Legislative Counsel to provide legal services and advice on specified matters.

Specifically, this proposition would enable the Council to provide by ordinance that Legislative Counsel would: be selected by and serve at the pleasure of the Council; advise the Council regarding its legislative duties, while neither opposing nor urging legislation; advise the Council regarding conflicts of interest involving the City Attorney, and whether hiring special counsel is therefore warranted; assist the Council in the selection and appointment of such special counsel; advise the Council or the City's Board of Ethics concerning the City's Code of Ethics and alleged violations thereof; assist the Board of Ethics in investigations or in conducting hearings; and advise the City's Charter Review Commission. Such ordinance may also provide for the prevention or resolution of conflicts between the City Attorney and Legislative Counsel.